



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cai *et al.*

Appl. No.: 10/514,427

§ 371 Date: November 16, 2004

For: **Substituted 4-Aryl-4H-pyrrolo[2,3 *h*]chromenes and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Confirmation No.: 4080

Art Unit: 1609

Examiner: Odell, David K.

Atty. Docket: 1735.0770001/RWE

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop Amendment

Sir:

In reply to the Office Action dated March 14, 2007, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group I, represented by claims 1-9, 11-19, 21-23, 54 and 57-64. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse.

Applicants note that on page 10 of the Office Action, the Examiner requests that Applicant provide an identification of all claims reading on the elected invention. However, the claims of the elected invention were set forth in the restriction requirement. The Examiner has not required a species election which would normally require one to identify all claims that read on the species. Clarification on this point is respectfully requested.

The Examiner bases the restriction requirement on PCT Rule 13.1 allegedly because the compound core is not structurally distinctive in view of the prior art. Applicants respectfully disagree. The substructure search on page 9 of the Office Action does not represent Applicant's "compound core." The substructure constructed by the Examiner contains just 2 rings and a pendant nitrogen atom which may or may not be part of a fused ring system. This substructure search indicates a large number of projected answers. In contrast, claim 1 *requires* there to be a tricyclic ring system core containing the nitrogen atom. In the attached substructure search (Exhibit A) of the tricyclic ring system containing a pyrrolo ring, 4 published documents were obtained.¹ Each of these published documents have inventors common with the inventors of the present application. See also the attached search output (Exhibit B) which gives the registry numbers of the compounds which match the structure of the substructure search. In view of the inventive common core, Applicants respectfully request rejoinder of at least Groups II-VI together with Group I.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

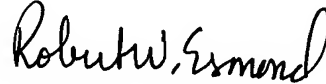
It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees

¹ The first document is the PCT application corresponding to the above-captioned application. The second document is cited as document US34, the third

required therefor are hereby authorized to be charged to our Deposit Account
No. 19-0036.

Respectfully submitted,

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Date: April 11, 2007

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document as US35, and the fourth document as US31 in Applicants' Information
Disclosure Statement filed June 12, 2006.

Atty. Dkt. No. 1735.0770001/RWE